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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
2681	3

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/692,775	MAMDANI ET AL.	
	Examiner	Art Unit	
	David Q Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claim 29 is objected to because of the following informalities:

"the spoken input" in claim 29 should be changed to "the non-verbal input".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Julia et al (US Patent Number 6513063).

Regarding claim 1 and 8, Julia et al disclose a method and a system comprising a server configurable to: receive spoken input from a wireless communication device (see col. 2, lines 30-32); retrieve information associated with said spoken input (see col. 2, lines 30-41); and deliver, to said wireless communication device, a non-verbal response to said spoken input, said non-verbal response based on said retrieved information (see col. 2, lines 60-67).

3. Claims 15, 19, 22, and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Zirngibl et al (US Patent Number 6587547).

Regarding claim 15, Zirngibl et al disclose a method comprising obtaining, from a wireless communication device user, purchase notification criteria (see col. 10, line 46 to col. 11, line 26; fig. 4); obtaining information associated with purchasing opportunities (see col. 10, line 46 to col. 11, line 26; fig. 4); selecting purchasing opportunities based, at least in part, on the purchase notification criteria (see col. 10, line 46 to col. 11, line 26; fig. 4); notifying the user of selected purchasing opportunities via a wireless communication device (see col. 10, line 46 to col. 11, line 26; fig. 4); receiving spoken input from the wireless communication device in response to the notification (see col. 7, lines 1-16; fig. 4); delivering, to the user's wireless communication device, a non-verbal response to the spoken input (see col. 23, lines 46-50; fig. 4).

Regarding claim 19, Zirngibl et al also disclose the non-verbal response includes information associated with the selected purchasing opportunities (see col. 22, lines 4-35).

Regarding claims 22 and 30, Zirngibl et al disclose a method and a system comprising: receiving non-verbal input from a wireless communication device (see col. 7, lines 1-6); retrieving information associated with the non-verbal input (see col. 7, lines 7-10; fig. 4); delivering, to the wireless communication device, a verbal response to the non-verbal input, the verbal response based on the retrieved information (see col. 10, lines 46-67).

Regarding claim 29, Zinrngibl et al disclose a method comprising: obtaining, from a wireless communication device user, purchase notification criteria (see col. 10, line 46 to col. 11, line 26; fig. 4); obtaining information associated with purchasing opportunities (see col. 10, line 46 to col. 11, line 26; fig. 4); selecting purchasing opportunities based, at least in part, on the purchase notification criteria (see col. 10, line 46 to col. 11, line 26; fig. 4); notifying the user of

selected purchasing opportunities via a wireless communication device (see col. 10, line 46 to col. 11, line 26; fig. 4); receiving non-verbal input from a wireless communication device in response to the notification (see col. 7, lines 1-6); delivering, to the wireless communication device, a verbal response to the non-verbal input (see col. 10, lines 46-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2,5-7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Julia et al (US Patent Number 6513063) in view of Salo et al (US Patent Number 6563800).

Regarding claim 2, Julia et al disclose a method and a system comprising all of the limitations as claimed above. They are silent to disclose wherein the step of delivering includes using a wireless Markup Language to deliver the non-verbal response.

However, Salo et al disclose a step of delivering includes using a wireless Markup Language to deliver the non-verbal response (see col. 7, lines 17-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the above teaching of Salo et al to Julia et al so that browsing capabilities can be used in the wireless communication device.

Regarding claims 5 and 12, Julia et al disclose a method and a system comprising all of

the limitations as claimed above. They are silent to disclose the non-verbal response includes the retrieved information. However, Salo et al disclose the non-verbal response includes the retrieved information (see col. 7, lines 1-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the above teaching of Salo et al to Julia et al so that browsing capabilities can be used in the wireless communication device.

Regarding claims 6 and 13, Julia et al disclose a method and a system comprising all of the limitations as claimed above. They are silent to disclose wherein the non-verbal response includes a Uniform Resource Locator. However, Salo et al disclose the non-verbal response includes a Uniform Resource Locator (see col. 7, lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the above teaching of Salo et al to Julia et al so that browsing capabilities can be used in the wireless communication device.

Regarding claims 7 and 14, Julia et al disclose a method and a system comprising all of the limitations as claimed above. They are silent to disclose wherein the non-verbal response includes a Handheld Device Markup Language. However, Salo et al disclose the non-verbal response includes a Handheld Device Markup Language (see col. 7, lines 16-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the above teaching of Salo et al to Julia et al so that browsing capabilities can be used in the wireless communication device.

5. Claims 3 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Julia et al (US Patent Number 6513063) in view of Lohtia et al (US Patent Number 650456).

Regarding claims 3 and 9-10, Julia et al disclose a method and a system comprising all of the limitations as claimed above. They are silent to disclose the system including a Short Messageing Service gateway, said server configurable to deliver said non-verbal response via said Short Messaging Service gateway; a wireless Application Protocol gateway, said server configureable to deliver said non-verbal response via said wireless Application Protocol gateway.

However, in the same field of endeavor, Lohtia et al disclose a wireless web information services gateway forwards the retrieved information to the user via an SMS message or via a microbrowser message (see col. 1, lines 63-67; col. 2, lines 15-21); a wireless Application Protocol gateway, said server configureable to deliver said non-verbal response via said wireless Application Protocol gateway (see fig. 3 and abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Lohtia et al to Julia et al so that there is no need for a user to start a browser session to retrieve the desired information.

6. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Julia et al (US Patent Number 6513063) in view of McAllister et al (US Patent Number 6442242).

Regarding claims 4 and 11, Julia et al disclose a method and a system comprising all of the limitations as claimed above. They are silent to disclose wherein the step of delivering includes using Simple Mail Transport Protocol to deliver the non-verbal response.

However, in the same field of endeavor, McAllister et al disclose a step of delivering including using Simple Mail Transport Protocol to deliver the non-verbal response (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of McAllister et al to Julia et al so that there is no need for a user to start a browser session to retrieve the desired information.

7. Claims 16,20-21 and 23,26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zirngibl et al (US Patent Number 6587547) in view of Salo et al (US Patent Number 6563800).

Regarding claims 16 and 23, Zirngibl et al disclose a method comprising all of the limitations as claimed above. They are silent to disclose wherein the step of delivering includes using a wireless Markup Language to deliver the non-verbal response.

However, Salo et al disclose a step of delivering includes using a wireless Markup Language to deliver the non-verbal response (see col. 7, lines 17-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the above teaching of Salo et al to Zirngibl et al so that browsing capabilities can be used in the wireless communication device.

Regarding claims 20 and 27, Zirngibl et al disclose a method and a system comprising all of the limitations as claimed in the claims 15 and 22. They are silent to disclose wherein the non-verbal response includes a Uniform Resource Locator. However, Salo et al disclose the non-verbal response includes a Uniform Resource Locator (see col. 7, lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the above teaching of Salo et al to Zirngibl et al so that browsing capabilities can be used in the wireless communication device.

Regarding claims 21 and 28, Zirngibl et al disclose a method and a system comprising all Of the limitations as claimed above. They are silent to disclose wherein the non-verbal response includes a Handheld Device Markup Language. However, Salo et al disclose the non-verbal response includes a Handheld Device Markup Language (see col. 7, lines 16-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the above teaching of Salo et al to Zirngibl et al so that browsing capabilities can be used in the wireless communication device.

Regarding claim 26, Zirngibl et al disclose a method and a system comprising all of the limitations as claimed above. They are silent to disclose the non-verbal response includes the retrieved information. However, Salo et al disclose the non-verbal response includes the retrieved information (see col. 7, lines 1-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the Invention was made to modify the above teaching of Salo et al to Zirngibl et al so that browsing capabilities can be used in the wireless communication device.

8. Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zirngibl et al (US Patent Number 6587547) in view of Lohtia et al (US Patent Number 650456).

Regarding claims 17 and 24, Zirngibl et al disclose a method and a system comprising all of the limitations as claimed above. They are silent to disclose wherein the step of delivering includes using a Short Messaging Service message to deliver the non-verbal response.

However, in the same field of endeavor, Lohtia et al disclose a wireless web information services gateway forwards the retrieved information to the user via an SMS message or via a microbrowser message (see col. 1, lines 63-67; col. 2, lines 15-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Lohtia et al to Zirngibl et al so that there is no need for a user to start a browser session to retrieve the desired information.

9. Claims 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zirngibl et al (US Patent Number 6587547) in view of McAllister et al (US Patent Number 6442242).

Regarding claims 18 and 25, Zirngibl et al disclose a method and a system comprising all of the limitations as claimed above. They are silent to disclose wherein the step of delivering includes using Simple Mail Transport Protocol to deliver the non-verbal response.

However, in the same field of endeavor, McAllister et al disclose a step of delivering including using Simple Mail Transport Protocol to deliver the non-verbal response (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of McAllister et al to Zirngibl et al so that there is no need for a user to start a browser session to retrieve the desired information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 7036054254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9508 for regular communications and 703-305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ON

July 15, 2003

ERIK GAGY
PATENT EXAMINER